IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTIETH DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 16860 of 2004

Between:

Tiruvvedula Surya Rao, S/o late Yerrasubbayya
R/o Achiyyapalem Village, Buttaigudem Mandal, West Godavari District

..... PETITIONER

AND

1 The Sub-Divisional Police Officer, Jangareddigudem, West Godavari District
2 The Station House Officer/ Sub-Inspector of Police, Buttaigudem P.S. Buttaigudem, West Godavari District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue order direction writ more particularly Writ of Mandamus declare the action of the respondents in not taking action on the petitioner's complaint dt 12-9-2004 as being illegal arbitrary and violative of Article 14 and 300-A of the Constitution of India and consequentially direct the respondents to provide necessary Police protection to the petitioner's land situated in R.S. Nos. 86 Ac. 3.38 cnts, of Achiyyapalem Village, Buttaigudem Mandal, West Gdavari District

Counsel for the Petitioner: MR.P.R.K.AMERANDRA KUMAR

Counsel for the Respondent No.: GP FOR HOME

The Court at the admission stage made the following :

ORDER:

Heard the learned counsel for the petitioner and learned Government Pleader for Home appearing for the respondents.

Petitioner claims to be in possession and enjoyment of agricultural land situated in R.S.No.86 to a extent of Ac.3.38 cents situated in Achiyyapalem village, Buttaigudem Mandal, West Godavari District, which is a notified scheduled area. It is alleged that the tribals of the locality have been making attempts to interfere with his possession and enjoyment of the land in question and therefore, he lodged a complaint with the respondents on
12-09-2004 requesting to take necessary action. The grievance of the petitioner is that the respondents failed to take any action so far. Hence, this writ petition seeking a declaration that the inaction on the part of the respondents is arbitrary and illegal.

It is to be noted that as per the circular dated 3.7.2002 issued by the Revenue Divisional Officer and Special Assistant Agent to Government, Jangareddygudem whenever a land dispute between the tribals and non-tribals is received by a Station House Officer, he should first consult the Mandal Revenue Officer concerned in the matter, and if the matter requires any filed inspection, a joint inspection with the assistance of the Mandal Revenue Officer or Mandal Surveyor shall be conducted.

In the light of the circular, the learned Government Pleader states that the Station House Officer has to take necessary action only after receiving a status report from the concerned Mandal Revenue Officer.

Accordingly, without expressing any opinion on merits of the case, the writ petition is disposed of with a direction to the second respondent-Station House Officer, Buttaigudem Police Station, West Godavari District to refer the matter to the concerned Mandal Revenue Officer regarding the status report as to the title and possession in respect of the land in question. On receipt of such status report from the concerned Mandal Revenue Officer, the respondents shall consider the complaint of the petitioner dated 12-09-2004 and take necessary action in accordance with law as expeditiously as possible. No costs.

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20-09-2004

Note: Issue C.C. by two days

B/o

klp

To

1 The Sub-Divisional Police Officer, Jangareddigudem, West Godavari District
2 The Station House Officer/ Sub-Inspector of Police, Buttaigudem P.S. Buttaigudem, West Godavari District

3 2CCs to G.P. for Home, High Court buildings, Hyderabad.(OUT).

5. 2 C.D. copies.